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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,857	10/19/2001	Cornelis Marinus Huizer	PHNL 010087	4953
24737	7590	11/18/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			BERGER, AUBREY H	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,857	HUIZER, CORNELIS MARINUS	
	Examiner	Art Unit	
	Aubrey H. Berger	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response of 08/24/2005 was received and considered.
2. Claims 1-13 are pending.

Response to Arguments

3. The International Search Report of 09/03/2002 has not been considered as to the merits because the submission fails to comply as a proper submission of non-patent literature in an information disclosure statement.
4. Applicant's response (page 10) amends the format of the Abstract and therefore the objection is withdrawn.
5. Applicant's response (pages 10-11) replaces the previous title with a new title that is indicative of the invention and therefore the objection is withdrawn.
6. Applicant's response (page 11) amends the claims to overcome the objection of lack of indentation between elements or steps in the claim and therefore those objections are withdrawn.
7. Applicant's arguments filed 08/24/2005 have been fully considered but they are not persuasive.
8. In response to applicant's argument (page 12) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the newly embedded extra information is embedded in an audio signal, which is different from the video signal") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. Applicant's response argues that neither Levy nor LinuxGuruz teaches nor suggests "decoding the extra information embedded in a video signal, and embedding the extra information in an audio signal" and "the newly embedded extra information is embedded in an audio signal, which is different from the video signal" (page 12). However, the rejected claims do not recite nor specify that the video signal is different or separate from the audio signal. Therefore, Levy in combination with LinuxGuruz teaches the extra information is decoded from a media signal and re-embedded in the media signal, wherein the media signal may contain an audio portion and a video portion.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2001/0044899 to Levy and further in view of "Free On-Line Dictionary of Computing" by LinuxGuruz.

Regarding claims 1-13, Levy discloses the "Transmarking of Multimedia Signals" invention, which includes a method for receiving/detecting (paragraph 0008), a content

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item comprising at least a video portion/watermarked signal (Fig. 1 #20), in which portion extra information/auxiliary data (paragraph 007), is embedded/watermarked (Fig.1 #20), decoding means (Fig. 1 #26), for decoding the extra information/auxiliary data, from the video portion/watermarked signal, embedding means (Fig. 1 #44), for embedding the extra information/auxiliary data, in an audio signal/new watermarked signal (Fig.1 #46), and rendering means for rendering (paragraph 007) the audio signal/new watermarked signal, wherein the embedding means are arranged for obtaining the audio signal/new watermarked signal, from a storage medium/DVD (paragraph 0013), an arrangement for distributing a content item/watermarked signal, comprising a content provider/Real Networks (paragraph 0015). The objective of Levy's invention is to adapt the watermark to the robustness and perceptibility constraints of a new environment, wherein the method detects the first digital watermark in the media signal, converts the media signal to a different format, and embeds message information from the first digital watermark into a second digital watermark in the converted media signal. Yet, Levy does not specifically teach that the media signal may contain an audio portion and a video portion. However, LinuxGuruz teaches the audio-video standard for multimedia also known as Audio Video Interleave (AVI). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a multimedia signal containing a video and audio signal and modify Levy's invention to embed/decode the combination video/audio signal. One of ordinary skill in the art would have been motivated to modify the invention of Levy to utilize a multimedia signal that contains an audio and a video portion to comply with the AVI standard.

Claims 2 and 9 are substantially equivalent and therefore claim 9 is rejected under similar rationale.

Claims 3 and 10 are substantially equivalent and therefore claim 10 is rejected under similar rationale.

Claims 4 and 11 are substantially equivalent and therefore claim 11 is rejected under similar rationale.

Claims 5 and 12 are substantially equivalent and therefore claim 12 is rejected under similar rationale.

Claims 6 and 13 are substantially equivalent and therefore claim 13 is rejected under similar rationale.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. U.S. Patent 6,272,634 is cited for disclosing an apparatus for digital watermarking of a media signal previously embedded with a first digital watermark and therein embedding a second digital watermark in the media signal.

b. U.S. Patent 6,850,619 is cited for disclosing a copyright protection method wherein the additional information is added to a video signal and an audio signal, by means of a watermark, which are associated with each other.

- c. U.S. Patent Application Publication 2002/0057799 is cited for disclosing a data delivery system that delivers a video source, wherein the video source contains a video and audio portion, embedded with a digital watermark.
- d. U.S. Patent 6,411,725 is cited for disclosing watermarked enabled video objects where auxiliary information is embedded in video or audio signals by means of a digital watermark.
- e. U.S. Patent 5,613,004 is cited for disclosing an apparatus for encoding and decoding additional information into multimedia signals.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

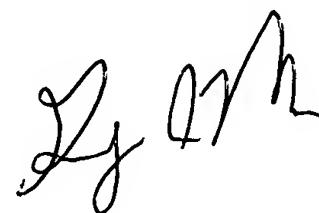
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Berger whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, 7:30 a.m. - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHB

A handwritten signature in black ink, appearing to read 'G. Morse', is positioned above the printed name and title.

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100